

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13, 15, 16, 18-36 are pending in this case. Claims 1, 7, 12, 13, and 25 are amended and new Claim 36 is added by the present amendment and add no new matter. For example, amended Claims 1, 7, 12, 13, and 25 are supported by the specification at page 7, lines 5-11, page 8, lines 7-14, and page 9, lines 16-23.

In the outstanding Office Action, Claims 1, 7, 12, 13, 15, 16, 18, 19, and 25 were rejected under 35 U.S.C. §112, first paragraph; and Claims 1-13, 15, 16, and 18-35 were rejected under 35 U.S.C. §102(b) as anticipated by Stefik et al. (U.S. Patent No. 5,634,012, hereinafter "Stefik").

With regard to the rejection of Claims 1, 7, 12, 13, 15, 16, 18, 19, and 25 under 35 U.S.C. §112, first paragraph, the language rejected by the outstanding Office Action is canceled from the pending claims. Accordingly, this rejection is moot.

With regard to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Stefik, that rejection is respectfully traversed.

Amended independent Claim 1 recites a system for electronic media distribution comprising, *inter alia*:

a data repository for storing a respective metadata item corresponding to multiple media items, each metadata item containing metadata relating to the generation of the corresponding media item;

means for electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*.

Stefik describes works which comprise multiple media items that are bundled together consecutively to form a digital work. For example, as shown in Figure 5 of Stefik, the digital work could comprise Story A, an advert, then Stories B and C. Another example is shown in

Figure 6 of Stefik which shows a digital work made up of text, photo, graphics, and sidebar media items. The digital work also includes descriptor blocks that are *permanently* attached to the digital work.¹ The digital work itself is referred to as a “contents” file and the descriptor blocks that relate specifically to those contents are stored in a single “description tree” file.² The outstanding Office Action apparently cited the descriptor blocks of Stefik as “a respective metadata item” as defined in Claim 1.

However, although the “contents” file and its corresponding “description tree” file can be stored separately on different media,³ it is clear that the description file is *inseparable* from the actual digital work (comprising a plurality of media items). This can be seen from the description at column 6, line 51 of Stefik, which states that the description file is “*permanently ‘attached’*” to the work, and column 11, lines 31 and 32 of Stefik, which states that “usage rights are treated as part of the digital work.” (The usage rights are contained within the description file.)

In fact, Stefik describes that the usage rights are *always* copied or transferred with the contents when the contents are copy or transferred.⁴ Thus, in contrast to the claimed invention, Stefik presents an inflexible system where each digital work has its own permanently attached description file. The claimed invention recognizes that different media items may be used to create essentially the same work, e.g. a film punctuated by adverts that target a specific audience depending on the time of viewing. By associating different metadata with respective media items, the claimed invention provides a flexible way of tracking media items without the need for complex and rigid description files that only refer to a very specific work. Therefore, it is respectfully submitted that Stefik does not teach

¹See Stefik, column 6, line 51 and column 9, lines 50-54.

²See Stefik, column 9, lines 21-33.

³See Stefik, column 14, lines 28-39.

⁴See Stefik, column 35, line 59 to column 36, line 51.

“means for electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*” as defined in amended Claim 1.

Consequently, as Stefik does not teach “means for electronically distributing at least some of the media items” as defined in amended Claim 1, it is respectfully submitted that Claim 1 (and Claims 2-6, 20-24, and 36 dependent therefrom) is not anticipated by Stefik and is patentable thereover.

Amended Claim 7 recites in part:

a data repository for storing a respective metadata item corresponding to multiple media items, each metadata item containing metadata relating to copyright and/or ownership of the corresponding media item;
means for electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*;

As noted above, Stefik describes that the usage rights/descriptor blocks are *always* copied or transferred with the contents when the contents are copy or transferred. Accordingly, Stefik cannot teach “means for electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*” as defined in amended Claim 7. Consequently, Claim 7 (and Claims 8-11 dependent therefrom) is patentable over Stefik.

Amended Claim 12 recites in part:

storing a respective metadata item corresponding to multiple media items, each metadata item containing metadata relating to the generation of the corresponding media item;
electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*;

As noted above, Stefik describes that the usage rights/descriptor blocks are *always* copied or transferred with the contents when the contents are copy or transferred. Accordingly, Stefik cannot teach “electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*” as defined in

amended Claim 12. Consequently, Claim 12 (and Claims 15, 16, and 19 dependent therefrom) is patentable over Stefik.

Amended Claim 13 recites in part:

storing a respective metadata item corresponding to multiple media items, each metadata item containing metadata relating to copyright and/or ownership of the corresponding media item;

electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*;

As noted above, Stefik describes that the usage rights/descriptor blocks are *always* copied or transferred with the contents when the contents are copy or transferred. Accordingly, Stefik cannot teach “electronically distributing at least some of the media items to a plurality of end-users *separate from any respective metadata item*” as defined in amended Claim 13. Consequently, Claim 13 (and Claim 18 dependent therefrom) is patentable over Stefik.

Amended Claim 25 recites in part:

a data repository for storing a respective metadata item corresponding to multiple media items, each metadata item containing metadata relating to the generation of the corresponding media item;

a transmitter configured to distribute at least some of the media items to a plurality of end-users *separate from any respective metadata item*;

As noted above, Stefik describes that the usage rights/descriptor blocks are *always* copied or transferred with the contents when the contents are copy or transferred. Accordingly, Stefik cannot teach “a transmitter” as defined in amended Claim 25. Consequently, Claim 25 (and Claims 26-35 dependent therefrom) is patentable over Stefik.

New Claim 36 supported at least by the specification at page 8, lines 12-14. New Claim 36 recites in part “wherein the multiple media items are separable and independent from each other, the distributed media items form a distributed work, and correspondence

between said metadata item and corresponding media items are updated based on which media items were distributed as the distributed work.”

As new Claim 36 is dependent from Claim 1, new Claim 36 is to be believed to be patentable for at least the reasons described above with respect to Claim 1. Further, new Claim 36 recites subject matter that is believed to further define over Stefik. Specifically, it is respectfully submitted that Stefik describes that once a digital work has been compiled, the usage rights are *permanently* attached to that work, indicating that the media items within that digital work *cannot* then be separated from each other. In contrast, embodiments of the claimed invention distribute media items to end-users *without* permanently attaching the metadata to the media data so that the association between the metadata and the distributed media items may be updated.

In particular, the invention recited in Claim 36 advantageously updates the correspondence between the metadata item and the corresponding media items based on which media items were emitted as a distributed work to the end-users, because the media items are separable and independent from each other and the metadata is not permanently attached to the media items.

This flexible association of metadata with media items within a work advantageously assists in the planning/commissioning stage of future media items. Furthermore, by not having to create individual description files for each work that is actually emitted, the amount of processing that has to be carried out is reduced. This is accomplished by updating the correspondence between the metadata item and the corresponding media items based on which media items were distributed as the distributed work to the plurality of end-users. For example, by appropriately associating the metadata with the media files within the emitted work when detecting which users are accessing the individual media items within the work, viewing figures relating to that particular media item (rather than the distributed work) may

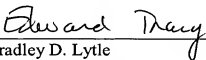
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be generated so as to assist in the future planning/commissioning stages. Therefore, it is respectfully submitted that Stefik does not teach the subject matter of new Claim 36.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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